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11 *Attorneys for Defendants Live Ventures Incorporated,  
12 Jon Isaac, and Virland A. Johnson*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 DANIEL E. SIEGGREEN, Individually and On  
16 Behalf of All Others Similarly Situated,

17 Case No.: 2:21-cv-01517-APG-EJY

18 Plaintiff,

19 **STIPULATION TO SET BRIEFING  
20 SCHEDULE AND ~~PROPOSED~~  
21 ORDER**

22 v.

23 **(First Request)**

24 LIVE VENTURES INCORPORATED, JON  
25 ISAAC, and VIRLAND A. JOHNSON,

26 Defendants.

27 Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Plaintiff Daniel E. Sieggreen (“Plaintiff”)  
28 and Defendants Live Ventures Incorporated, Jon Isaac, and Virland A. Johnson (collectively,  
“Defendants”), by and through their respective counsel, hereby agree and stipulate, subject to  
this Court’s approval, to set a briefing schedule relating to Plaintiff’s Class Action Complaint for  
Violations of the Federal Securities Laws (the “Complaint”), which Complaint was filed on  
August 13, 2021. This is the first request for an extension of time for the parties to respond to  
the Complaint. The parties’ request is based on the following:

WHEREAS, on August 13, 2021, Plaintiff filed the Complaint in the above-captioned  
action against the Defendants;

1           WHEREAS, on August 26, 2021, Plaintiff effectuated service on Defendant Live  
2 Ventures Incorporated in the above-captioned action;

3           WHEREAS, Defendants' counsel have agreed to waive service on behalf of the  
4 individual Defendants Jon Isaac and Virland A. Johnson in the above-captioned action;

5           WHEREAS, the Complaint asserts claims under the federal securities laws that are  
6 subject to the Private Securities Litigation Reform Act of 1995 ("PSLRA"), which sets forth  
7 specialized procedures for the administration of securities class actions, including a specific  
8 process for the appointment of a lead plaintiff and lead counsel to represent the putative class;

9           WHEREAS, lead plaintiff and lead counsel have not yet been appointed and the deadline  
10 to move for appointment as lead plaintiff is October 12, 2021;

11          WHEREAS, once the lead plaintiff is appointed, in addition to lead plaintiff's choice of  
12 counsel an operative complaint will be identified or an amended complaint will be filed which  
13 will become the operative complaint;

14          WHEREAS, the Parties anticipate that Defendants will file a motion to dismiss in  
15 response to the operative complaint; and

16          WHEREAS, the Parties agree that in the interests of judicial economy, conservation of  
17 time and resources, and orderly management of this action, no response to any pleading in this  
18 action by any Defendant should occur until after lead plaintiff and lead counsel are appointed  
19 pursuant to the PSLRA by this Court and such lead plaintiff identifies or files an operative  
20 complaint.

21          NOW, THEREFORE, the Parties stipulate and agree, subject to the Court's approval,  
22 that:

23          1. Lead Plaintiff shall have until sixty (60) days after service of the Court's ruling on  
24 the Motion to Appoint Lead Plaintiff and Lead Counsel to file an Amended Complaint or  
25 otherwise identify the operative complaint in this matter.

26          2. Defendants shall have until sixty (60) days after service of the Amended  
27 Complaint or designation of the operative complaint to file a motion to dismiss or other

1 responsive pleading.

2       3. If Defendants file a motion to dismiss the operative complaint, Lead Plaintiff shall  
3 have until forty-five (45) days after service of the motion to dismiss to file their response and/or  
4 opposition to such motion.

5       4. Defendants shall have until thirty (30) days after service of Lead Plaintiff's  
6 response and/or opposition to the motion to dismiss to file their reply brief in support of any such  
7 motion they file in response to the operative complaint.

8       **IT IS SO STIPULATED.**

9 DATED this 17<sup>th</sup> day of September, 2021.

10 By: /s/ Christopher R. Miltenberger

11           Mark E. Ferrario, Esq.  
12           Nevada Bar. No. 1625  
13           Christopher R. Miltenberger, Esq.  
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18           *Attorneys for Live Ventures Incorporated,  
19           Jon Isaac, and Virland A. Johnson*

20 DATED this 17<sup>th</sup> day of September, 2021.

21 By: /s/ Charles H. Linehan

22           Andrew R. Muehlbauer, Esq.  
23           Nevada Bar No. 10161  
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27           Charles Linehan, Esq.  
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32           *Attorneys for Plaintiff Daniel E. Sieggreen*

33       **IT IS SO ORDERED:**

34             
35           UNITED STATES MAGISTRATE JUDGE

36           Dated: September 17, 2021